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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/621,384	07/21/2000	Youn-Man Lee	P2014	4446
33942	7590	08/16/2007		
CHA & REITER, LLC 210 ROUTE 4 EAST STE 103 PARAMUS, NJ 07652			EXAMINER MEHRPOUR, NAGHMEH	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 08/16/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/621,384	<b>Applicant(s)</b> LEE, YOUN-MAN	
	<b>Examiner</b> Naghmeh Mehrpour	<b>Art Unit</b> 2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 August 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 19-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. **Claims 19-36**, are rejected under 35 U.S.C. 102(e) as being anticipated by Kuno et al. (US Patent Number 6,473,628 B1).

Regarding claims 19, 28, Kuno teaches a battery saving method for controlling a display of a portable telephone, Comprising: providing said display with a liquid crystal display (LCD) (col 4 lines 32-38); and after power-on of the telephone, maintaining the LCD on until a call is established and a predetermined time period has expired since establishment (col 2 lines 45-63).

Regarding claims 20, 29, Kuno teaches a method/telephone, further comprising; providing a backlight for the LCD (col 6 lines 10-19); and, if there has been no call since

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power-on, maintaining the back light off as long as no call is placed or received (col 2 lines 45-65).

Regarding claims 21, 30, Kuno teaches a method/telephone wherein said telephone includes a send key, an answering key and a plurality of other input keys, and wherein the maintaining of the back light off persists unless and until one of two events occurs, the two events being pressing the send key and receiving a ring signal for call termination (col 2 lines 45-64).

Regarding claims 22, 32, Kuno teaches a method of claim 21, further comprising turning off the backlight upon the expiration of said period (col 2 lines 45-64).

Regarding claims 23, 33, Kuno teaches a method further comprising turning on the LCD when the established call has ended (col 9 lines 1-16).

Regarding claim 24, Kuno teaches a method of claim 23, further comprising maintaining, if there has been a call since power-on, the back light off as long as no call is placed, or received, subsequent to the most recent call (col 10 lines 18-41).

Regarding claims 25, 34, Kuno teaches a method of claim 19, further comprising: providing said display with a back light for the LCD; and if there has been a call since

power-on, maintaining the back light off as long as no call is placed, or received, subsequent to the most recent call (col 10 lines 18-41).

Regarding claim 26, Kuno inherently teaches a method wherein said telephone includes a send key and an answering key, respectively, for placing and answering phone calls, and further includes a plurality of other input keys (col 10 lines 47-55).

Regarding claim 27, Kuno inherently teaches a computer product having a computer readable medium in which is embeddable a program having instructions executable by a processor for performing the method of claim 19 (col 10 lines 48-59).

Regarding claim 31, 36, Kuno teaches a method/telephone of claim 28, further comprising: for maintaining the LCD on until a call is established and a predetermined time period has expired since establishment (col 2 lines 45-65).

Regarding claim 35, Kuno inherently teaches a telephone comprising a back light for the LCD, wherein the processor is further configured for maintaining if there has been a call since power on, the back light off as long as no call is placed, or received subsequent to the most recent call (col 9 lines 14-25).

***Response to Arguments***

3. Applicant's arguments filed 5/21/07 have been fully considered but they are not persuasive.

In response to the applicant's argument that "*the reference does not teach the claims features.*"

The Examiner asserts that applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections. It has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

#### Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

**5. Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah be reached (571) 272-7904.

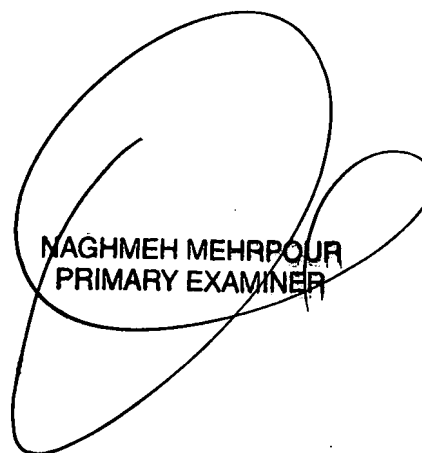
The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

August 13, 2007



NAGHMEH MEHRPOUR  
PRIMARY EXAMINER